

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**PAUL DOUGLAS ADAMS**

**PLAINTIFF**

**v.**

**No: 4:18-cv-00862 SWW-PSH**

**BILL GILKELY, *et al.***

**DEFENDANTS**

**PROPOSED FINDINGS AND RECOMMENDATION**

**INSTRUCTIONS**

The following Proposed Findings and Recommendation have been sent to United States District Judge Susan Webber Wright. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

**DISPOSITION**

Plaintiff Paul Douglas Adams filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on November 19, 2018 (Doc. No. 2), and was subsequently granted leave to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915(a) (Doc. No. 3). On November 27, 2018, the Court ordered Adams to file an amended complaint. *See* Doc. No. 3. Adams was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).

More than 30 days have passed, and Adams has not complied or otherwise responded to the November 27 order. Accordingly, the Court finds that this action should be dismissed without

prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

It is therefore recommended that Adams' complaint (Doc. No. 2) be dismissed without prejudice.

DATED this 7th day of January, 2019.

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

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UNITED STATES MAGISTRATE JUDGE